

U.S. Application No.: 09/987,901
Amendment Under 37 C.F.R. §1.111 dated August 4, 2004
Response to the Office Action of May 4, 2004

REMARKS

Claims 1-7 remain pending in the present application. The rejections set forth in the Office Action are respectfully traversed below.

Rejections Under 35 U.S.C. §103

Claims 1 and 3 – 7 were rejected under 35 U.S.C. §103 over Muller et al. (USP 4,597,752) in view of Martin et al. (USP 5,062,597). Although the claims were rejected under the same prior art references in previous Office Actions, item 3 on page 3 of the present Office Action merely indicated that apparatus claims “must be distinguished from the prior art in terms of structure rather than function.” In addition, the Office Action allowed claim 2. Apparently, the Office Action recognized the distinctions between the present invention and the cited prior art, but needed additional “structure” in the apparatus claims to reflect the differences between the present invention and the prior art.

Accordingly, independent claims 1 and 6 were amended to clarify that the swing arm has a telescopic structure that varies or changes the length of the swing arm “to at least two different lengths in a swing of said swing arm.” As explained in the remarks of the amendment filed April 20, 2004 (incorporated herein by reference), the prior art does not teach or suggest, either alone or in combination, any variable extension of the swing arm during the course of the swing itself. While the teachings of Muller indicates that the arm may be extended at the *vertical position* to maintain the predetermined distance above the paper stack, there is nothing in Muller, or in the further combination with Martin, that teaches or suggests a variation in the length of the arm *as*

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the arm swings. The amended independent claims recite a "structural" difference in that the telescopic structure varies or changes the length of the swing arm to have at least two different lengths in a swing of the swing arm. The prior art does not teach or suggest this structural feature for the swing arm to have at least two different lengths during a swing. For at least these reasons the present claimed invention patentably distinguishes over the prior art.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully Submitted,

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